UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,533	12/19/2003	Thomas M. Slaight	10559-916001	5142

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EXAMINER
CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
2144	

NOTIFICATION DATE	DELIVERY MODE
10/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

	Application No.	Applicant(s)
Office Action Summary	10/741,533	SLAIGHT, THOMAS M.
	Examiner	**Art Unit**	
	Joiya M. Cloud	2144	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 May 2008</u>.

2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-39</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 June 2008</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is in response to the communication filed 07/07/2008, in which claims 1-39 are PENDING.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 07/07/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-39 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Crinion **(US**

Patent No. 6,181, 699 B1).

As per claim 1, Crinion teaches accepting a segment of data from a host system **(Figure 8**

and col. 5, lines 25-30), a portion of the segment identifying a broadcast domain **(Figure 4 and**

6, where the portion of the segment is the VLAN ID); comparing the portion of the segment

with an identifier for a selected broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**; and excluding the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**.

As per claim 2, Crinion teaches wherein the host system comprises a computer system having a protocol stack configured to generate data packets **(col. 4, lines 65-67-col 5, lines 1-3)**.

As per claim 3, Crinion teaches wherein the segment of data comprises a frame including one of the data packets **(col. 7, lines 40-46)**.

As per claim 4, Crinion teaches wherein the portion comprises a VLAN ID **(Figure 4 and 6 and col. 7, lines 40-50)**.

As per claim 5, Crinion teaches wherein the VLAN ID is configured according to an IEEE 802.1Q VLAN protocol **(col. 2, lines 63-65)**.

As per claim 6, Crinion teaches further comprising generating the VLAN ID based on a network address **(col. 6, lines 27-36)**.

As per claim 7, Crinion teaches the method wherein the segment is excluded from transmission from the host system if the portion corresponds to the identifier **(col. 7, lines 40-50)**.

As per claim 8, Crinion teaches wherein the segment is excluded from transmission from the host system if the portion does not correspond to the identifier **(col. 7, lines 40-50)**.

As per claim 9, Crinion teaches wherein the excluding comprises blocking the segment from being transmitted from the host system **(col. 7, lines 30-50)**.

As per claim 10, Crinion teaches wherein the excluding comprises intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection **(col. 7, lines 30-36)**.

As per claim 11, Crinion teaches wherein the identifier is inaccessible by the host system **(col. 7, lines 50-52)**.

As per claim 12, Crinion teaches wherein the identifier is inaccessible by the host system after a boot phase **(col. 7, lines 50-52)**.

As per claim 13, Crinion teaches wherein the segment is accepted from the host system over a data bus **(Figure 8)**.

As per claim 14, Crinion teaches accepting a second segment of data from a physical layer network interface, a portion of the second segment identifying a broadcast domain **(col. 8, lines 28-33, col. 6, lines 27-36 and col. 7, lines 40-50)**; comparing the portion of the second segment with an identifier for a broadcast domain associated with the host system **(col. 6, lines 27-36 and col. 7, lines 40-50)**; and sending the second segment to the host system if the portion of the second segment corresponds to the identifier for the broadcast domain associated with the host system **(col. 6, lines 27-36 and col. 7, lines 40-50)**.

As per claim 15, Crinion teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system **(col. 7, lines 46-52)**.

As per claim 16, Crinion teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system after a boot phase.

As per claims 17-26, claims 17-26 are substantially the same as claims 1-4 and 7-12 respectively, but in apparatus form rather than method form. Therefore, the rejection for claims 1-4 and 7-12 applies equally as well to claims 17-26.

As per claim 27, Crinion discloses a host system **(Figure 8)**; an interface to establish a network connection between a network and the host system **(Figure 8 and col. 7, lines 26-30)**; and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**; compare the portion of the segment with an identifier for a selected broadcast domain; and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**.

As per claim 28, Crinion discloses a management system having a protocol stack configured to generate management packets **(col. 9, lines 46-50)**.

As per claim 29-37, claims 29-37 are substantially the same as claims 2-4 and 7-12 respectively, but in system form rather than method form. Therefore, the rejection for claims 2-4 and 7-12 applies equally as well to claim 29-37.

As per claim 38, system comprising: a router **(Figure 8)**; a host system **(Figure 8)**; an interface to establish a network connection between the router and the host system **(Figure 8)**; and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**; compare the portion of the segment with an identifier for a selected broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**; and exclude the segment of data from transmission from the

host system based on the comparison between the portion of the segment and the identifier for

the selected broadcast domain **(col. 6, lines 27-36 and col. 7, lines 40-50)**.

As per claim 39, Crinion teaches wherein the portion comprises a VLAN ID **(Figure 5,**

(col. 6, lines 27-36 and col. 7, lines 40-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The

examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-3922.   Information

regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144   **September 24, 2008**